

habitat. Regulations controlling consultation under ESA section 7 are codified at 50 CFR part 402. EPA's approval of the State permitting program under section 402 of the Clean Water Act is a federal action subject to this requirement, but the State's subsequent OPDES permit actions are not. EPA completed informal consultation with the U.S. Fish and Wildlife Service (FWS or the Service). In the consultation, EPA, the Service, and ODEQ outlined procedures by which ODEQ and FWS, will confer on permits which are likely to affect federally listed species. These processes are reflected in a Memorandum of Understanding between the State and FWS. In addition, a consultation agreement has been reached between EPA and FWS on EPA's oversight role and objection procedures when ODEQ and FWS cannot agree on the protection of species in an individual State permit action. These conditions are reflected in the EPA/ODEQ MOA.

I hereby authorize the OPDES program in accordance with 40 CFR part 123.

Dated: November 19, 1996.

Jane N. Saginaw,  
Regional Administrator.

[FR Doc. 96-31274 Filed 12-9-96; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collections Approved by Office of Management and Budget

December 3, 1996.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

OMB Number: 3060-0704.

Expiration Date: 05/31/97.

Title: Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended, CC Docket No. 96-61.

Form Number: N/A.

Estimated Annual Burden: 138,175.5 total annual hours; 266.2 hours per respondent (avg.); 519 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$435,000.

Description: In the Second Report and Order (Order), adopted in CC Docket No. 96-61, the Commission eliminated the requirement that nondominant interexchange carriers file tariffs for interstate, domestic interexchange telecommunications services. In order to facilitate enforcement of such carriers' statutory obligation to geographically average and integrate their rates, and to make it easier for customers to compare carriers' service offerings, the Order requires affected carriers to maintain, and to make available to the public in at least one location, information concerning their rates, terms and conditions for all of their interstate, domestic interexchange services.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-31257 Filed 12-9-96; 8:45 am]

BILLING CODE 6712-01-F

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Statement of Policy Regarding the Payment of State and Local Property Taxes

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Revision and Reissuance of Policy Statement.

SUMMARY: The Statement of Policy revises and reissues the FDIC's "Statement of Policy Regarding the Payment of State and Local Property Taxes" issued on June 4, 1991. As required by section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 ("the RCDRIA"), the FDIC is conducting a systematic review of its regulations and statements of policy that might be inefficient, cause unnecessary burden, or contain outmoded, duplicative, or inconsistent provisions (see 60 FR 62345 (Dec. 6, 1995)). The FDIC has reviewed its 1991 Policy Statement and has concluded that it should be revised and reissued. This revised Statement of Policy would replace the 1991 Policy Statement.

The revised Statement of Policy would reflect (1) the statutory "sunset" of the Resolution Trust Corporation ("RTC") on December 31, 1995, resulting in the FDIC's succession to the RTC's remaining responsibilities; and (2) the developing caselaw in the area.

EFFECTIVE DATE: January 9, 1997.

### FOR FURTHER INFORMATION CONTACT:

William P. Stewart, Real Estate Specialist, ORE, FDIC (202) 416-4229; David N. Wall, Senior Counsel, FDIC Legal Division (202) 736-0115; or David Fisher, Counsel, FDIC Legal Division (202) 736-3103.

### SUPPLEMENTARY INFORMATION:

#### Paperwork Reduction Act

The Statement of Policy does not require any collections of paperwork pursuant to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, et seq. Accordingly, no information has been submitted to the Office of Management and Budget for review.

#### Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., it is certified that the Statement of Policy will not have a significant economic impact on a substantial number of small entities. In addition, the Statement of Policy will not impose regulatory compliance requirements on depository institutions of any size.

### DISCUSSION

#### I. Introduction

Section 15 of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. 1825, provides immunity from all taxation imposed by any state, county, municipal, or local taxing authority, except for ad valorem real property taxation. This immunity from taxation, and its limited exception for real property taxation, apply to the FDIC both in its corporate capacity and when it is acting as a receiver for a failed financial institution. 12 U.S.C. 1825 (a) and (b),<sup>1</sup> respectively. See also 12 U.S.C. 1823(d)(3)(A).

On June 4, 1991, the FDIC and the RTC each issued a "Statement of Policy Regarding the Payment of State and Local Property Taxes." The two policy statements were essentially identical. The RTC statement was published at 56 FR 28426 (June 20, 1991); the FDIC statement was not published in the Federal Register but was made publicly available in FDIC's Law, Regulations, and Related Acts. Since their issuance, several cases involving the FDIC's and RTC's tax immunity and the Corporations' implementation of their policy statements have been litigated to conclusion. Moreover, on December 31, 1995, the RTC terminated and the FDIC

<sup>1</sup> Section 219 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") added subsection (b) to clarify that the FDIC's immunity extends to receiverships.